

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

DECLARATION OF E.C. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION

Defendants.

E.C., pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. I am the parent of a medically fragile child who sought a medical exemption in the New York City (Kings County) school district in New York for the 2019-2020 school year.
2. I write this declaration in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.
3. My child suffers from Chronic Inflammatory Demyelinating Polyneuropathy.
4. My child never had a medical exemption before the 2019-2020 school year and had been fully vaccinated up until such time. My three other children are fully vaccinated and have not had exemptions of any kind.
5. However, my child's treating physicians felt that further vaccination would not be safe for him given his severe condition.
6. At the start of the 2019 school year, we submitted two exemption applications, both certified by NYS licensed specialists- my child's neurologist and immunologist.
7. The two exemptions that we submitted were both denied. I was then forced to hire a lawyer to help navigate the appeal process, which was a burdensome expense for a nursery school teacher and a New York City fireman to bear.
8. In the new appeal, we had the neurologist rewrite with exact quotes taken from the ACIP guidelines substantiating my son's medical condition and the need to defer vaccination. I resubmitted the appeal to the school. Although they claim to have forwarded the exemption to the Office of School Health, we never received a response. The principal kindly allowed my son to remain in school.
9. It was an extremely stressful ordeal, and we lived in constant fear of him being pulled out of class one day and not allowed back. I am full of worry about the upcoming school year.
10. It is so frightening to imagine having to go through this ordeal every year. It is extremely stressful not to be able to plan for the simple things, such as will we be able to continue living in New York State, or will I be forced to move so that my son may remain in school?
11. It is hard enough having a child with a serious medical condition. We do not need to be further victimized and penalized by the education system.
12. I would like to add that my sons' doctors were furious at the denial of his exemptions. "Any doctor that would knowingly vaccinate your son given his condition should hand in their medical license," is what they said. Why should a parent have to choose between risking their child's health, or removing them from the NYS education system? What gives any school official the right to override the orders of NYS licensed doctors and the

ACIP guidelines?

13. Wherefore, I respectfully ask this Court to grant the relief and let our children remain in school pending the outcome of this case.

RESPECTFULLY SUBMITTED this 20th day of August 2020

E.C. EC

DECLARATION OF E.C. IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION - 3